IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14891 of 2001

Between:

1 K.D.Wilson, S/o. K.J.V.Solomon,
Rural christian Junior College, Deenapur,Phirangipuram,
Guntur Dist.
2 K.Samiulla , S/o. Mahamad husan
Rural christian Junior College, Deenapur,Phirangipuram,
Guntur Dist.
3 Ch.Vijaya Babu, s/o. Subbarao,
Rural christian Junior College, Deenapur,Phirangipuram,
Guntur Dist.

..... PETITIONERS

AND

1 The Govt. of A.P. rep. by it's Pricipal Secretary Higher education Department,
Secretariat, Hyderabad.
2 The Commissioner , Intermediate Education,
Hyderabad.
3 Secretary and correspondent, Rule christian Junior College,
Deenapur, Phirangipuram,
Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly a writ of mandamus , declaring the action of the respondentNo.2 in issuing the proceedings in Rc.No.2473/Jc5-3/98 dt.2.11.1999 is illegal, arbitrary and unconstitutional and consequently direct the respondents to regularize the services of the petitioners in

the 3rd respondent college in their respective posts with effect from 1.4.94 with all monetary benefits.

Counsel for the Petitioners: MR.K.V.SUBBA REDDY

Counsel for the Respondent Nos.1&2: GP FOR EDUCATION

Counsel for Respondent No.3: Ms. B. Padma

The Court made the following :

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ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

Petitioners herein who are all working as employees with the third respondent herein, file this Writ Petition inter alia, seeking for mandamus declaring the action of the respondents in negativing the case for regularizing their services as per proceedings in Rc.No. 2473/JC5-3/3/98 dated 2.11.1999.

The case of the petitioners in simple is that their cases have not been properly viewed form the angle of the entitlement as provided for under Go.Ms.No. 212 dated 22.4.1994. Even though the order under challenge referred to the said G.O but however, the impugned order lacks any reasons with regard to the said G.O.

In the counter affidavit filed by the respondents, it is stated that it is only with the basic particulars furnished by the third respondent-Management, the case of the petitioners has been rejected.

Considering the submissions made and also on perusal of the material, it is seen that in the impugned order except referring to G.O.Ms No. 212 dated 22.4.1994, no reasons have assigned as to why the petitioners are not entitled and on what basis such rejection was made, apart form the same, the petitioners have not been

put on notices. Therefore, the matter requires re-consideration.

Accordingly, the Writ Petition is allowed and the impugned order dated 2.11.1999 is set aside. The second respondent shall re-consider the entire issue afresh on merits and dispose of the same in accordance with law within a period of two months from the date of receipt of a copy of this order.

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B. Prakash Rao, J

13th December, 2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, The Thirteenth Day of December Two Thousand and Four.

To

1 The Principal Secretary, Govt. of A.P., Higher education Department, Secretariat, Hyderabad.
2 The Commissioner, Intermediate Education, Hyderabad.
3 Secretary and correspondent, Rule christian Junior College, Deenapur, Phirangipuram, Guntur Dist.

4. 2 CCs to G.P. for Higher Education, High Court of A.P., Hyderabad (OUT)

5. Two CD Copies